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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/245,347	02/05/1999	CHIYO AKAMATSU	520.36900X00	4824

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ANTONELLI TERRY STOUT AND KRAUS
SUITE 1800
1300 NORTH SEVENTEENTH STREET
ARLINGTON, VA 22209

EXAMINER
MOLINARI, MICHAEL J

ART UNIT	PAPER NUMBER
2665	11

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/245,347	Applicant(s) AKAMATSU ET AL.	
	Examiner Michael J Molinari	Art Unit 2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 March 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) *1-7 and 17-28* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *8-16 and 29-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 8-9, 11, 29 and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims refer to "said possible number of information", but it appears that they should refer "said possible number of information apparatuses". Appropriate correction is required.

3. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim refers to "said certifying means", which lacks antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 103

1. Claims 8-16 and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. (Japanese Patent Application SHO 9[1997]-247616) in view of Aras et al. (U.S. Patent No. 5,872,588).

2. Referring to claim 8, Yamada et al. disclose a receiver set (Receiver, see Detailed Explanation of the Invention, paragraph 0009) connectable to a plurality of information apparatuses (recorders, see Detailed Explanation of the Invention, paragraph 0013) through a bus

(see Detailed Explanation of the Invention, paragraphs 0048-0050), comprising: receiving means for receiving multiplexed data (see Fig. 1, #10) sent through a predetermined channel (see Detailed Explanation of the Invention, paragraph 0009, lines 1-3); extracting means for extracting a desired data from said multiplexed data based on a channel requirement sent from information apparatus (see Detailed Explanation of the Invention, paragraph 0009, lines 3-9); management means for managing information relating to a possible number of information apparatuses to which a program can be viewed, listened to, or recorded through the channel requested (see claim 3; see Detailed Explanation of the Invention, paragraphs 0006, 0007, 0021, 0043, 0046, 0051 and 0058); decision means for deciding whether said desired data can be output to said information apparatuses based on information relating to said possible number of information apparatuses to which a program can be viewed, listened to or recorded through the channel requested (see claim 3; see Detailed Explanation of the Invention, paragraphs 0006, 0007, 0021, 0043, 0046, 0051 and 0058); and outputting means for outputting said desired data to said information apparatus based on a decision made by said decision means (see Detailed Explanation of the Invention, paragraph 0013). Yamada et al. Differ from claim 8 in that they fail to disclose compression of the digital broadcast signal. However, the use of compression in digital broadcasting is old and well known in the art. For example, Aras et al. disclose the use of compression in digital broadcasting (see column 6, lines 62-65), which has the advantage of decreasing the bandwidth needed to broadcast each channel. One skilled in the art would have recognized the advantage of compression as taught by Aras et al. Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to incorporate the

use of compression as taught by Aras et al. into the system of Yamada et al. to achieve the advantage of decreasing the bandwidth needed to broadcast each channel.

3. Referring to claim 9, Yamada et al. disclose that said information relating to said possible number of information apparatuses to which a program can be viewed, listened to or recorded through the channel requested is determined based on a receiving contract between a supplier of said multiplexed and compressed data, and wherein said receiving contract includes channel information on channels receivable, and said channel information includes either one of a possible number of information apparatuses to which a program can be viewed for said channel and a possible number to be recorded for said channel (see Detailed Explanation of the Invention, paragraphs 0058, 0074, 0100 and 0134).

4. Referring to claim 10, Yamada et al. disclose a sending means for sending a decision made by said decision means to said information apparatuses (see Detailed Explanation of the Invention, paragraph 0010).

5. Referring to claim 11, Yamada et al. disclose a receiver set (see Detailed Explanation of the Invention, paragraph 0009) connectable to a plurality of information apparatuses (recorders, see Detailed Explanation of the Invention, paragraph 0013) through a bus (see Detailed Explanation of the Invention, paragraphs 0048-0050), comprising: receiving means for receiving multiplexed data (see Fig. 1, #10) sent through a predetermined channel (see Detailed Explanation of the Invention, paragraph 0009, lines 1-3); extracting means for extracting a desired data from said multiplexed data based on a channel requirement sent from an information apparatus (see Detailed Explanation of the Invention, paragraph 0009, lines 3-9); supervising means for supervising information relating to a possible number of information apparatuses to

which a program can be viewed, listened to or recorded through the channel requested (see claim 3; see Detailed Explanation of the Invention, paragraphs 0006, 0007, 0018, 0021, 0043, 0046, 0051 and 0058); decision means for deciding whether said desired data can be output to said information apparatuses based on the information relating to said output (see Detailed Explanation of the Invention, paragraph 0010); and outputting means for outputting said desired data to said information based on a decision made by said decision means (see Detailed Explanation of the Invention, paragraph 0013). Yamada et al. Differ from claim 11 in that they fail to disclose compression of the digital broadcast signal. However, the use of compression in digital broadcasting is old and well known in the art. For example, Aras et al. disclose the use of compression in digital broadcasting (see column 6, lines 62-65), which has the advantage of decreasing the bandwidth needed to broadcast each channel. One skilled in the art would have recognized the advantage of compression as taught by Aras et al. Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to incorporate the use of compression as taught by Aras et al. into the system of Yamada et al. to achieve the advantage of decreasing the bandwidth needed to broadcast each channel.

6. Referring to claim 12, Yamada et al. disclose a sending means for sending the information relating to said output to said information apparatuses (see Detailed Explanation of the Invention, paragraph 0009, lines 4-5).

7. Referring to claim 13, Yamada et al. disclose a sending means for sending the decision made by said decision means to said information apparatuses (see Detailed Explanation of the Invention, paragraph 0010).

8. Referring to claim 14, Yamada et al. disclose that said supervising means further alters the information relating to said output (see Detailed Explanation of the Invention, paragraph 0019, lines 11-12).

9. Referring to claim 15, Yamada et al. disclose a coding means for coding said desired compressed data (see Detailed Explanation of the Invention, paragraph 0007).

10. Referring to claim 16, Yamada et al. disclose a certifying means for certifying whether said information apparatuses are regular, wherein said decision means further decides whether said desired compressed data can be output to said information apparatuses based on certification by said certifying means (see Detailed Explanation of the Invention, paragraphs 0013, 0035 and 0039).

11. Referring to claim 29, Yamada et al. disclose a receiving system, in which a receiver (see Detailed Explanation of the Invention, paragraph 0009) is connected with a plurality of information apparatuses (recorders, see Detailed Explanation of the Invention, paragraph 0013, see also Fig. 1) through a bus (see Detailed Explanation of the Invention, paragraphs 0048-0050), said receiver comprising: receiving means for receiving multiplexed data (see Fig. 1, #10) sent through a predetermined channel (see Detailed Explanation of the Invention, paragraph 0009, lines 1-3); extracting means for extracting a desired data from said multiplexed data based on a channel requirement sent from an information apparatus (see Detailed Explanation of the Invention, paragraph 0009, lines 3-9); management means for managing information relating to a possible number of information apparatuses to which a program can be viewed, listened to or recorded through the channel requested (see claim 3; see Detailed Explanation of the Invention, paragraphs 0006, 0007, 0021, 0043, 0046, 0051 and 0058); decision means for deciding whether

said desired data can be output to said information apparatuses based on information relating to said possible number of information apparatuses to which a program can be viewed, listened to or recorded through the channel requested (see claim 3; see Detailed Explanation of the Invention, paragraphs 0006, 0007, 0021, 0043, 0046, 0051 and 0058); and outputting means for outputting said desired data to said information apparatus based on a decision made by said decision means (see claim 3; see Detailed Explanation of the Invention, paragraphs 0006, 0007, 0013, 0021, 0043, 0046, 0051 and 0058). Yamada et al. Differ from claim 29 in that they fail to disclose compression of the digital broadcast signal. However, the use of compression in digital broadcasting is old and well known in the art. For example, Aras et al. disclose the use of compression in digital broadcasting (see column 6, lines 62-65), which has the advantage of decreasing the bandwidth needed to broadcast each channel. One skilled in the art would have recognized the advantage of compression as taught by Aras et al. Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to incorporate the use of compression as taught by Aras et al. into the system of Yamada et al. to achieve the advantage of decreasing the bandwidth needed to broadcast each channel.

12. Referring to claim 30, Yamada et al. disclose that said data is data for use in digital broadcasting (see Detailed Explanation of the Invention, paragraph 0008, line 9).

13. Referring to claim 31, Yamada et al. disclose a receiving system, in which a receiver (see Detailed Explanation of the Invention, paragraph 0009) is connected with a plurality of information apparatuses (recorders, see Detailed Explanation of the Invention, paragraph 0013, see also Fig. 1) through a bus (see Detailed Explanation of the Invention, paragraphs 0048-0050), said receiver comprising: receiving means for receiving multiplexed data sent through a

predetermined channel (see Detailed Explanation of the Invention, paragraph 0009, lines 1-3); extracting means for extracting a desired data from said multiplexed data based on a channel requirement sent from an information apparatus (see Detailed Explanation of the Invention, paragraph 0009, lines 3-9); supervising means for supervising information relating to output including a possible number of information to which a program can be viewed, listened to or recorded through the channel request (see claim 3; see Detailed Explanation of the Invention, paragraphs 0006, 0007, 0021, 0043, 0046, 0051 and 0058); decision means for deciding whether said desired data can be output to said information apparatuses based on the information relating to said output (see claim 3; see Detailed Explanation of the Invention, paragraphs 0006, 0007, 0013, 0021, 0043, 0046, 0051 and 0058); and outputting means for outputting said desired data to said information apparatus based on a decision made by said decision means (see claim 3; see Detailed Explanation of the Invention, paragraphs 0006, 0007, 0013, 0021, 0043, 0046, 0051 and 0058). Yamada et al. Differ from claim 31 in that they fail to disclose compression of the digital broadcast signal. However, the use of compression in digital broadcasting is old and well known in the art. For example, Aras et al. disclose the use of compression in digital broadcasting (see column 6, lines 62-65), which has the advantage of decreasing the bandwidth needed to broadcast each channel. One skilled in the art would have recognized the advantage of compression as taught by Aras et al. Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to incorporate the use of compression as taught by Aras et al. into the system of Yamada et al. to achieve the advantage of decreasing the bandwidth needed to broadcast each channel.

14. Referring to claim 32, Yamada et al. disclose that said data is for use in digital broadcasting (see Detailed Explanation of the Invention, paragraph 0008, line 9).

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Response to Arguments

16. Applicant's arguments with respect to claims 8-16 and 29-32 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Molinari whose telephone number is (703) 305-5742. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703) 308-6602. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9315 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

mjm

Michael Joseph Molinari
April 14, 2003

4/16/03